

### REMARKS

Claims 1-46 were previously presented for review. Claims 21-46 are canceled herein, leaving claims 1-20 pending. In view of the amendments and remarks presented herein, reconsideration and allowance of all pending claims are respectfully requested.

Regarding the rejection under 35 U.S.C. § 112, first paragraph, the offending recitation has been removed from all pending claims. Withdrawal of this rejection is respectfully requested.

Turning to the prior art rejections, claims 1-3, 22, 23, and 44-46 were rejected under 35 U.S.C. § 102 as anticipated by U.S. Patent No. 6,416,522 ("Strecker"). Applicants traverse this ground of rejection.

Independent claim 1, as well as claims 2-9 depending directly or indirectly thereon, is amended to recite a fixation system having a plurality of delivery members each defining a delivery channel, a fixation component slidably disposed in each of the delivery channels, and a pusher slidably disposed in each delivery channel. Each fixation component has a proximal end formed with a slot, while each pusher includes a distal end with a tab sized to frictionally engage the slot. Support for the amended claim language is found in the original specification in paragraph [0028] as well as Fig. 4B.

Strecker fails to disclose or suggest a fixation system in which each fixation component has a proximal end formed with a slot and each pusher has a distal end with a tab sized to frictionally engage the slot. Instead, Strecker discloses securing means having an enlarged receptacle for loosely receiving an end of a probe (Fig. 15). Because Strecker fails to disclose each of the elements recited in claims 1-9, it follows that the claims are not anticipated thereby. Accordingly, this ground of rejection must be withdrawn.

Claims 10-15 were rejected under 35 U.S.C. § 103 as obvious over Strecker in view of International Publication No. WO 02/17797 ("Miller"). Applicants traverse this ground of rejection.

As presented herein, claim 10 is rewritten in independent form and recites a fixation system including a plurality of delivery members defining delivery channels, a fixation component slidably disposed in each delivery channel, a pusher slidably disposed in each delivery channel, a delivery sheath, and an inner sheath. Significantly, the delivery sheath is

slidable over the resilient delivery members, while the delivery members are arranged radially about an exterior surface of the inner sheath

The proposed combination of Strecker and Miller fails to disclose or suggest a fixation system having the delivery and inner sheaths as recited in independent claim 10. The Office action asserts that the secondary reference to Miller discloses an inner sheath. More specifically, the Office action cites the delivery tube deployment means 220 of Miller (Fig. 12) as being responsive to the inner sheath. It is clear, however that the delivery tubes 215 of Miller are disposed inside of the delivery tube deployment means 220, and therefore are not "arranged radially about an exterior surface of the inner sheath" as specified in claims 10-15. The proposed combination fails to disclose or suggest each element of the claims at issue, and therefore this ground of rejection must be withdrawn.

Claims 16-20 were rejected under 35 U.S.C. § 103 as obvious over Strecker in view of U.S. Patent Application Publication No. US 2004/0193191 ("Starksen"). Applicants traverse this ground of rejection.

As presented herein, claim 16 is rewritten in independent form and recites a fixation system including a plurality of delivery members defining delivery channels, a fixation component slidably disposed in each delivery channel, a pusher slidably disposed in each delivery channel, a delivery sheath, and an inner sheath. Significantly, the delivery channels have a slot communicating with an exterior of the delivery member and extend to the delivery member distal end, as shown in Fig. 9A.

The proposed combination of Strecker and Starksen fails to disclose or suggest delivery channels with slots that extend to the delivery member distal end as recited in independent claim 16. Instead, the Office action asserts that the apertures 528 of Starksen are responsive to the claimed slots. Significantly, however, the Starksen apertures 528 do not extend to a distal end of the housing 522 in which they are formed, as required in claims 16-20. The proposed combination fails to disclose or suggest each element of the claims at issue, and therefore this ground of rejection must also be withdrawn.

It is submitted that the present application is in good and proper form for allowance. A favorable action on the part of the Examiner is respectfully solicited.

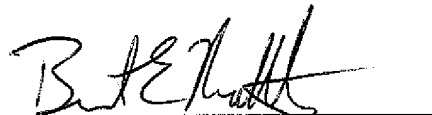
Appl No. 10/754,362  
Amdt dated Oct 15, 2007  
Reply to Office action of Apr. 27, 2007

If, in the opinion of the Examiner a telephone conference would expedite prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Dated: October 15, 2007

Respectfully submitted,

By:

A handwritten signature in black ink, appearing to read "Brent E. Matthias", written over a horizontal line.

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